

PROB 12B
(NYEP-5/17/06)



USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 7/25/08

United States District Court
for the
Southern District of New York

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Krilich, Robert

Case Number: 01:03CR449-07(KMW)

Name of Sentencing Judicial Officer: Honorable Kimba A. Wood, Chief U.S. District Judge

Date of Original Sentence: July 31, 2006

Original Offense: Conspiracy to Distribute and Possess with Intent to Distribute Ecstasy, (21 USC 846)
Class C Felony

Original Sentence: Nine (9) Months Custody to be followed by a Five (5) Year Term of Supervised
Release

Type of Supervision: Supervised Release

Date Supervision Commenced: January 7, 2008

PETITIONING THE COURT

To modify the conditions of supervision as follows:

1. Possession of Weapons - You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
2. Warrantless Search - You shall submit to the search of our person, property, residence or automobile under our control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.
3. Drug/Alcohol Testing - You shall submit to drug/alcohol testing as directed by the probation officer not to exceed 104 tests per year.

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CAUSE

Krilich supervision commenced in the District of Nevada on January 7, 2008. On March 7, 2008, Krilich submitted a positive urine sample for the presence of cocaine. Additionally, Krilich admitted to associating with a person who was using a controlled substance in his presence. As a result the following modification of conditions is requested to adequately supervise the offender. Krilich signed the attached Form 49, agreeing to waive his right to counsel and a hearing before the court and accept the modification of conditions to not possess weapons, a warrantless search clause and drug testing.

Krilich has resided in the Las Vegas area since his release from custody. He has maintained full-time employment and stable residence. He has no plans of returning to the Southern District of New York.

Based upon the aforementioned, the probation department is recommending his conditions be modified as mentioned and that jurisdiction be transferred to the District of Nevada. Krilich has agreed to this modification and a Waiver of Hearing has been attached.

Respectfully submitted by,


Peter A. Merrigan
Supervising U.S. Probation Officer
Date: 7/7/08

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

Judicial Response

Court approves the Modifications of Conditions as noted.

or

Other

Lincoln M. Ward

Signature of Judicial Officer

7-24-08

Date

PROB49
(389)

UNITED STATES DISTRICT COURT

Southern District of New York

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Possession of Weapons** - You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
2. **Warrantless Search** - You shall submit to the search of your person, property, residence or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.
3. **Drug/Alcohol Testing** - You shall submit to drug/alcohol testing as directed by the probation officer not to exceed 104 tests per year.

Witness Mark M. Madaleno
U.S. Probation Officer

Signed J. Hill
Probationer or Supervised Releasee

May 12, 2008

Date

PROB 22 (Rev. 2/88)		DOCKET NUMBER (<i>Tran. Court</i>) 1:03 CR 449-07(KMW)	
TRANSFER OF JURISDICTION		DOCKET NUMBER (<i>Rec. Court</i>)	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE: Robert Krilich		DISTRICT SOUTHERN DISTRICT OF NEW YORK	DIVISION U.S. Probation
		NAME OF SENTENCING JUDGE Kimba M. Wood	
		DATES OF PROBATION/SUPERVISED RELEASE:	FROM 11/09/2007
		TO 11/08/2012	
OFFENSE Conspiracy to Distribute and Possess with Intent to Distribute Ecstasy (21 U.S.C. 846), a Class C felony.			
PART 1 - ORDER TRANSFERRING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE "<u>SOUTHERN DISTRICT OF NEW YORK</u>"			
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the District of Nevada upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*			
<u>7-25 -08</u> <i>Date</i>		<u>Kimba M. Wood</u> <i>United States District Judge</i>	
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE <u>DISTRICT OF NEVADA</u>			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
<i>Effective Date</i>		<i>United States District Judge</i>	